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DISTRICT COURT
OF MARYLAND

2003 SEP 25 P 3:4

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISIONSEAN JEFFREY THOMPSON,
Plaintiff

v.

Civil No. WDQ-02-1989

DET. STEPHEN MARTIN, et al.,
Defendants

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ORDER

The plaintiff has sued, *inter alia*, the Baltimore City Police Department ("the Department") for injuries he allegedly sustained after he was arrested on March 28, 2002, by Baltimore City Police officers. Pending is the Department's Motion to Dismiss for various pleading deficiencies.¹

A motion to dismiss should be granted "only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations." *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002), citing *Hishon v. King & Spalding*, 467 U.S. 69, 73 (1984); *Adams v. Bain*, 697 F.2d 1213, 1219 (4th Cir. 1982). All allegations are accepted as true and the complaint is viewed in the light most favorable to the plaintiff. *Mylan Laboratories, Inc. v. Raj Matkari, et al.*, 7 F.3d 1130, 1134 (4th Cir. 1993). If any possible basis for relief has been pled, the Court must deny the motion to dismiss. *Garland v. St. Louis*, 596 F.2d 784 (8th Cir. 1979), cert. denied, 444 U.S. 899 (1979); *Swierkiewicz*, 534 U.S. at 514.

As it is not inconceivable that relief may be granted upon some set of discoverable facts consistent with the allegations in the First Amended Complaint, it is this 25th day of September 2003, ORDERED that the Baltimore Police Department's Motion to Dismiss BE, and HEREBY IS, DENIED; and the Clerk shall mail copies of this Order to counsel for the parties.


 WILLIAM D. QUARLES, JR.
 United States District Judge

¹The Department has apparently conceded that the plaintiff has complied with the notice requirements of the Local Government Tort Claims Act. MD. CODE ANN., CTS & JUD. PROC. ART., §§ 5-301 *et seq.*